

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13794, of The Riggs National Bank of Washington, D.C., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 3308.2 to construct a roof structure not meeting the set-back requirements in a C-4 District at the premises 800 - 17th Street, N.W., (Square 127, Lot 848).

HEARING DATE: July 21, 1982
DECISION DATE: August 4, 1982

FINDINGS OF FACT:

1. The subject property is located on the northwest corner of the intersection of 17th and H Streets, N.W. and is known as 800 17th Street, N.W. It is in a C-4 District.

2. The subject property is generally rectangular in shape measuring approximately ninety by eighty-six feet. The site is improved with a twelve-story office building, the Fleming Building, containing two cellar levels, all served by two existing elevators. The site is bordered on the west by a six foot wide public alley and on the northwest by a ten foot wide public alley.

3. Abutting the subject property to the north is the Inter-American Bank Building, the roof of which is several feet below the roof-line of the subject building. It has no windows facing the subject property. To the east is the right-of-way of 17th Street, making the nearest building to the east approximately 110 feet away. To the south is the right-of-way of H Street, making the nearest building to the south approximately ninety feet away. To the west is a six foot public alley on the other side of which is an office building at 1707 H Street which has no windows facing the subject property.

4. The applicant proposes to install a third elevator adjacent to the existing elevator lobbies on the north side of the building. The mechanical penthouse associated with this proposed additional elevator would extend to the north lot line of the subject property and would not comply with the normal set-back requirements imposed under Paragraph 5201.24 of the Zoning Regulations.

5. The applicant seeks an exception from the set-back requirement under Sub-section 3308.2, which empowers the

Board to grant such exceptions where full compliance would be impracticable because of operating difficulties or would tend to be unduly restrictive, prohibitively costly, or unreasonable, provided that the intent and purpose of Section 3308 is not materially impaired and that the light and air of adjacent buildings are not adversely affected.

6. The applicant testified that its Lincoln Branch Office occupies most of the ground floor and the two cellar levels of the building. The remainder of the building is devoted to office space for Riggs Bank employees and some commercial tenants.

7. The applicant testified that bank personnel, building tenants, and bank and tenant customers encounter substantial delays waiting for the two existing elevators in the building. The applicant also presented the results of a computer study by the consulting firm of Keith Jenkins and Associates, Inc., concluding that with current traffic levels, the minimum average waiting time achievable with the existing elevators is more than the maximum average waiting time generally regarded as acceptable for office buildings in the District. Proposed personnel moves within the applicant's organization would be likely to increase the traffic in the building.

8. The proposed location for the additional elevator shaft is the only location which is practicable, and there is no available roof space on which a mechanical penthouse for such an elevator shaft can be built in conformity with the set-back requirement of Paragraph 5201.24. The proposed mechanical penthouse would house both the equipment for a third elevator and an emergency generator, which would serve all three elevators and would bring the existing elevators into conformity with current building code requirements.

9. The proposed addition to the existing penthouse would extend approximately thirteen feet eight inches from the existing penthouse to the northern lot line. The new structure would be the same height and length as the existing penthouse. The existing louver screen on the east side of the roof would be extended to the northern building line to screen the penthouse addition.

10. The architect testified that the layout of the subject building, the nature of its foundations and the location of existing mechanical equipment on the roof and in the sub-basement severely limit the space available for installation of equipment to serve higher-speed elevators either in the existing elevator shafts or an additional elevator. The area on the north side of the building adjacent to the existing elevator lobbies and the two existing elevators is the only area which is reasonable and

practicable to install a third traction elevator to serve all floors of the building. The Board so finds.

11. The Board at the public hearing requested the applicant to submit evidence of the alternatives it considered before selecting the subject elevator plan. The applicant in a post hearing submission, Exhibit No. 23, reviewed the alternatives available and evaluated why certain alternatives were not feasible. Among the elevator plans considered were:

- a. Replacement of the existing elevators with higher-speed equipment.
- b. Installation of a hydraulic shuttle elevator to serve only the ground floor and the two basement floors.
- c. Installation of an under-slung elevator.
- d. Installation of a third traction elevator to serve all floors.

The Board accepts the applicant's analyses as set forth in Exhibit No. 23, and finds the proposed solution to be the most reasonable and practical ways of proceeding.

12. The applicant introduced letters from representatives of the owners of the two adjacent buildings, stating, in each case, that the owners had no objection to the proposed construction. The Board also received a similar letter from the owners of the Brawner Building at 888 17th Street, N.W.

13. The Office of Planning and Development by report dated July 16, 1982, recommended approval of the application stating that existing conditions of the building create an unduly restrictive and unreasonable situation. The location and bulk of the proposed penthouse addition will not adversely affect the light and air of surrounding properties. The addition will not cause detriment to the present or future streetscape at this location. The Board so finds.

14. There was no opposition to the application.

15. Advisory Neighborhood Commission 2B made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception the granting of which

requires compliance with the requirements of Sub-section 3308 .2 of the Zoning Regulations, a showing that the proposed use can be permitted without an adverse impact on the use of neighboring property, and a showing that the proposed use in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board concludes that the applicant has met the requirements of Sub-section 3308.2 in that the need for such an additional elevator has been demonstrated and that the only practicable location for a mechanical penthouse can not be constructed in conformance with the set back requirements of Paragraph 5201.24. The Board concludes that full compliance with the Zoning Regulations would be prohibitively costly, unduly restrictive and unreasonable. The Board further concludes that the applicant's proposal would not materially impair the intent and purpose of Section 3308 and that the proposed construction would not adversely affect the light, air of adjacent buildings.

The Board further concludes that the relief requested can be granted as in harmony with the purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction is in accordance with the plans marked as Exhibit No. 8 of the record.

VOTE: 3-0 (Lindsley Williams, Connie Fortune and Charles R. Norris to GRANT; Douglas J. Patton abstaining; William F. McIntosh not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: OCT 12 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.